1897-98

29.

Previous references.
L.R. 223 of 1895-96

1899
~~1900~~

File No. ~~243~~ of 1897-98

Serial Nos. 1 – 11

(Land Revenue)

Later references.
L.R. 120 of 1903-04

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 11

Countermarked SB

Major ~~Part~~ B. for Septr. 99

SUBJECT. Certain account of money

Refund of ~~Rs~~ 376-2- in favor of Wastara Ramappa of Adavalli village, Yedehalli Sub Taluk, on account of ~~back~~ excess assessment paid by him ~~on his lands from 1886-87 to 1893-94~~

1. From the Dy Comr Kadur Dt. No. 449 dated the 10.12.97
Submits for sanction a refund bill for Rs 376-2-. in favor of Wastara Ramappa of Adavalli village, on account of back assessment paid by him on his lands from 1886-87 to 1893-94.

2. To The Superintendent Rev: Survey, Docket No. 9110 / R2977 dated 24.3.
Forwards the above correspondence with its enclosures and states that the munsiffs decree is no bar to a settlement of irrigation dispute by Rev: officers, and calls for certain information re a channel to water Ramappa's lands.

3. From the Superintendent Mysore Rev: survey No. 709 dated the 12.4.98
Furnishes the information asked for

G. R. S. 58

4. To the Dy Comr Kadur Dt. No. 12424 / R. 4287 dated the 30/6/98
Refers to his letter No. 449 dated the 10.12.97 and requests the Dy Comr to have the lands carefully classed in the field once more

~~Rev: Survey for report~~

~~To the Supt Rev: Survey~~

~~5. From the Supt Revenue Survey no 692 dated the 6.4.99~~
Reports upon the refund bill.

~~6. To the~~

Rev: survey for report to the Govt.

To the Supt Rev: Survey, No 12425 / R. 4288 dated the 30.6.98
Forwards copy of the above and requests him to send the further report promissed after receipt of the necessary papers from the Dy Comr Kadur Dt

5. From the Supt. Rev: Survey No 692 dated the 6.4.99
Reports upon the refund bill

6. To the Supt Rev: Survey and the Dy Comr Kadur Dt
Govt Pro. No. 8627-8 / FC 105 dated the 26.5.99
Rejects the claim for a refund and ~~calls~~ asks the Dy comr to call upon Ramappa to show cause why the assessment should not be revised as now fixed by the Survey Supt and to report the result of such further enquiry for orders of the Govt, and also to report on the extent of lands required or necessary to be acquired in Survey nos 145, 146 & 147 and the cost of such acquisition.

7. From the Dy Comr Kadur Dt, No 611 dated the 3.6.99
Reports for the orders of the Govt the result of the enquiry above referred to.

8. From the Supt Rev: Survey, No 839 dated the 21.6.99
Further reports on the deduction or otherwise of the "Kharab" in certain survey nos of Adavalli village on account of a channel running through them.

9. To the Supt Rev: Survey, Docket No 538 / R. 208 dated the 19.7.99
Forwards copy of letter No 611 dated the 3.6.99 from the Dy Comr Kadur and requests the Supt Rev: Survey to revise the assessment on the lands in question judiciously having regard to the representations by the Dy comr, and to report the result for the orders of the Govt

10. From the Supt Rev: Survey. No 128 dated the 14.8.99
Reports on the subject of the revision of assessment on the lands in question

11. To the Dy Comr Kadur Dt and the ~~Rev: to~~ Supt Rev: Survey
Govt Pro. No. 2322-3 / Fl 242 dated the 16/9/99
Sanction the refund of Rs 86-13-9 being the difference between the original and the revised assessments for 8 years from 1886-87 to 1893-94 minus the amount due for 1894-95 and requests the Dy comr to submit a refund bill revised accordingly, and further orders that land required for a channel might be acquired if a channel is insisted upon.

~~CHIEF~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Regarding the refund of Rs 76-2-0 in favor of one Wastara Ramappa of the Aduvalli village Gedahalli Sub Taluk.

LAST REFERENCE. Letter No. 449 dated 10. 12. 1897 from the Dy Comr, Kadur Dt.

			Extent. A. G.	Assessment Rs. A. P.
×	Hl. Bagayet.		1-38.	24-9-0
208.	Wet		5-24	18-1-0
210	"		5-36.	14-14-0
211	"		5-24	11-11-0
212	"		3. 4	7. 15. 6
217	Dry		2. 26.	1. 1. 0
233	"		1. 4.	0-8-6
234	"		0-22.	0-4-3
209	Wet.		5-30	19-2-0
Venkat	h			98-0-3

× Paper No 3 in ver file A.

Wastara Ramappa is the owner of 9 Sur: Nos, as noted in the margin, in the Aduvalli village, which 8 Nos are in his Khata and one viz No 209 is in the Khata of Venkatalakshmamma but in enjoyment of Ramappa.

On the 14th December 1876, Ramappa lodged a complaint before the Asst Comr and 2nd Class Magistrate, Kadur Dt

a Panch

against two persons, Kadakodagi Putta and Badiya, stating that they obstructed the flow of water from the Mandlagar halla through their lands to the lands of Ramappa and thus caused damage to the extent of Rs 200/-. Before any decision was passed by the Magistrate, Putta and Badiya agreed to allow water to pass through their lands to Ramappa's lands and Ramappa withdrew his complaint; and the matter was settled amicably.

× Papers Nos 2 & 3 in ver file A.

3. On the 8th September 1886, Ramappa petitioned × the Deputy Amildar complaining that Putta and Badiya obstructed the flow of water to his lands and requested that orders might be issued to

× Paper No 1 in ver file A.

to take water as usual through
the lands of Putta and Badiya
On Enquiry by the Sheikdar,
× No 6 of ver: file A. Putta and Badiya stated that
the Muchalika alleged to have
been given by them in 1876 re-
-ferred to certain other lands and
not to the lands in question
and flatly refused to let
water pass through their lands to
Ramappa's lands. Thereupon
× No 10 of ver: file A. the Deputy Amildar ordered
that Putta and Badiya should
not object to Ramappa's taking
water as usual. But the
× No 1/2 of ver: file A. Sheikdar reported that they
refused to let water through
their lands. Thereupon the Dy
× No 11 of ver: file A. Amildar reported to the Dy
Comr that on personal ins
-pection of the lands in
Questio

question, he found that the channel in Sur Nos 149 & 148 (Govt waste) was in good condition, that no channel was to be found in Sur Nos 147 & 146, cultivated by Putta & Badiya & that there was a channel in Sur No. 145, cultivated by Putta, below which Sur No. 210 of Ramappa was situated, but that according to the village map, the channel from the Mandlagar halla began in Sur No. 149 and ran through Nos 148, 147, 146 and 145 to No. 210. He further stated that as the channel which was shown in the map as running through Nos

Nos 147 & 146 was not to be found there, it was plain that the cultivators had closed that portion of the channel. The then Dy Comr, Mr Meiklejohn, ordered that both parties should be directed to settle the matter amicably between themselves and to go according to Manual.

4. In January 1887, Ramappa renewed his petition and repeated his complaint. He was then directed to get the matter decided by a Civil Court. He instituted a suit in the Gedahalli Munsiff's Court praying for a decree declaring his right to water from the Mandlagar halla through the channel in the

× No 11/1 of ver: file A.

× No 22 of ver: file B.

× Nos 16 & 17 of ver: file B.

lands of Putta and Badiya. In 1887-88, a decree was passed by the Munsiff to the effect that Ramappa had no prescriptive right to the flow of water through a channel on the lands in question. This decree was confirmed by the Appellate Court.

5. In the meantime Ramappa obtained copy of a reference* from the Survey Department showing that his Sy. No. 210 was dependent upon the Kadakodagi tank for water. In January 1891, Ramappa petitioned the Deputy Comr. repeating his complaint and stated that the Nirsari Dakhla obtained from the Survey Department showed that his lands were entitled

* No 2 of ver: file 13.

* No 26/1 of ver: file B.

entitled to water from the Kadaka-
-kodagi tank which had to pas
only through the lands of Putta
and Badiya and requested in
orders to take water from the
tank to his lands through the
said lands. On inquiry, the
Deputy Amildar reported that
the Patel of the village stated
that prior to the dispute between
Ramappa and Putta & Badiya
water from the Mandlag as
Halla as well as from the
Kadakodagi tank was conveyed
through the channel running
through Nos 147 & 146 of Putta and
Badiya for cultivating Ramappa's
lands and that after the dispute
Ramappa did not get water
either from the tank or from
the halla but depended
mainly on rain water and

No $\frac{26}{2}$ of the ver: file B

cultivated only a portion of his lands, the remaining being left waste; that the Panchayetdars stated that water from the tank was to be brought only through the channel beginning in No. 149 and passing through Nos 148, 147, 146 & 145 but that a channel existed in Nos 149 & 148 and 145 leaving a blank in the middle in Nos 147 & 146. The Deputy Amildar further reported that the lands of Ramappa were not shown under the Atchkat of the tank and that Putta and Badiya ~~were~~ the refusal of to let water through their lands was on the strength of the decree passed by the Civil Court regarding

Halla. On further enquiry the Deputy Amildar reported that there was no weir or Govt. channel to the tank in question, that the tank was looked after by the ryots themselves and that no one was responsible for the proper distribution of water. The Deputy Amildar was then directed to inspect the lands in question and submit a sketch with his report in the matter. In submitting the sketch as required, the Deputy Amildar reported that the channel as shown in the map began in No. 149 and running through Nos 148, 147, 146 & 145 was connected with No. 210, but that there was no channel actually on Nos

× No 26/3 of ver. file B.

× Nos 26/4 & 26/5 of ver. file B.

147 & 146, that there was a small channel in No 145, that it was probable that the channel in Nos 147 & 146 was gradually filled in and that Putta & Badiya stated that they had no objection to let surplus water flow to Ramappa's lands if he gave them proper help in time every year to convey water from the Mandlagar Halla. It was then ordered by the then Dy Comr, Mr Sparkes, that Ramappa's ~~having obtained~~ case having been decided by a Civil Court ~~in the matter in dispute in decree~~ in 1887, no further steps could be taken, ~~in the matter~~ and that if he had anything further to urge he might go to the Civil Court

× No 26/79 of ver: file B.

Where was this question raised between parties

6. In February 1892, Ramappa again prayed× the Deputy Comr to inspect the lands in person and if after inspection it was found out that his lands could have no access to the tank water to reduce the assessment which was imposed upon the lands in consideration of water supply from the tank. On inspection, the then Dy Comr, Mr Sparkes, observed× that Ramappa was entitled to water only after Nos 146, 145 & 147 were irrigated, that the surplus water from these Nos should go to Ramappa's lands through the small channel in No 145 and rejected the petition of Ramappa as there were no grounds to

× No 27 of ver: file B.

× No 29/1 of ver: file B.

convert the wet assessment into dry as prayed for by him.

7. On 31st October 1893, — Ramappa again petitioned the Dy Comr stating that his lands were entitled to water from the Kadakodagi tank as shown by the Nimari Dakhla, & that excepting the water from the tank, no other water was available for his lands and requested that either he might be allowed to take water from the tank through the channel in Nos 1468 147 or that the excess assessment imposed in consideration of water supply might be reduced. The Superintendent of Revenue Survey was then requested by the Dy Comr to send the Kachia

× No 31/1 of ver: file B.

× No 31/3 of ver file B.

tippani of Nos 147, 146 and 145 to see if any channel ran through them. On receipt of the Kacha tippani[x], the Dy Comr made a reference[x] to the Survey Superintendent stating that through the village map, the Kacha tippani and the Akarband showed the existence of a channel in Nos 148, 147, 146 & 145, there was no sign of any channel existing in Nos 147 & 146, and that the civil court had decreed that Nos 210, 209, 208 & 212 of Ramappa had no right to water through the channel in Nos 147, 146 & 145 and requested his opinion regarding the conversion of wet assessment into dry of Sur Nos 210, 209, 208 & 212.

[x] Nos 31/5, 31/6 & 31/7 of ver: file B.

[x] Letter No 960 of 18.1.1894. copy of which is inclosed in letter No 6330 of 4.3.1896.

The Survey Superintendent replied (No 32 of next file 13.
that the Civil Court decree did
not state that Ramappa had
no right to water from the
Kadakodagi tank if it came
by any other course and sug-
-gested that Ramappa's lands
should be inspected when
they were under irrigation to
see how the water was brought.
He further stated that in a
country like that in question
it was not probable that the
lands would be used solely
for dry cultivation and that
if after further enquiry the
Deputy Comr thought that
Ramappa's lands should
be classed as dry, he would

after the Akarlands lent in that event Ramappa could not cultivate the lands with wet crops. An inspection having been accordingly ordered to be made in the raing season, the Dy Amildar inspected the lands on 24th September 1894 and reported that the lands of Ramappa and Putta and Badiya were so inconveniently situated that they could not receive water from the tank by any other course except through the channel D.X.D. which was plainly visible or through C.C.K which was only imaginary, that if the tank was full in the rainy season these two channels and

\ vide No 33 of ver: file B.

× No 43/1 of ver: file B.

× Vide sketch in Vernacular file marked B. No 20.

also the Halla channel A B K
must necessarily flow to the
lands of Putta and Badiya in
the first place and then to
Ramappa's lands if the former
allowed the surplus water to
run to the latter's lands, that
at the time of his inspection
water was not flowing in any
of the three channels, that the lands
were cultivated that year with
rain water only, that crop on
Ramappa's lands was in a
bad condition, no water being
found on his lands, whereas
Putta's and Badiya's lands were
full of water and the crop
thereon was in a good condition,
that the reason assigned
by

by Ramappa for the poor crop was the want of water whereas Putta & Badiya alleged that it was due to the fact that Ramappa's lands were cultivated by Sub-tenants and he did not pay his personal attention to them, that Putta & Badiya did not allow surplus water from their lands to go to Ramappa's land through the channel J in No. 145, that as the Civil Court had decreed that Ramappa had no right to water through Nos. 147, 146 & 145, the Revenue Department could not interfere and that Ramappa had a good case for the reduction of assessment as prayed for by him. In his Kaifiyat× before the Deputy Amildar

× No. 35/2 of ver: file B.

Ramappa stated that his request was not to convert the wet assessment into dry on Nos 210, 209, 208 & 212 but to reduce the assessment to the rates imposed on other wet lands which depended solely on rain water for irrigation. The report of the Dy Amildar was forwarded[×] to the Survey Superintendent by the Deputy Comr with the request that the Akarbands might be altered and the assessment reduced as prayed for by Ramappa. The Akarbands were duly altered and sent to the Dy Comr in May[×] 1895. According to the revised Akarband, Ramappa had to pay[×] Rs 51/- as against Rs 98-0-3 on the 9 Sur Nos.

× Letter No 536 of 30th October 1894 copy of which is enclosed in letter No 633 of 4.3.1896.

× Survey No.	Extent A.G	Assessment prior to revision.	Assessment after revision.
41. Bagayat	1.38.	24-7-0	24-7-0
+208 Wet.	5.24	18-1-0	3-11-6
+210 "	5.36	14-14-0	3-11-6
211 "	5.24	11-11-0	11-11-0
+212 "	3.4	7-15-6	1-13-9
217 Dry	2.26	1-1-0	1-1-0
233 "	1-4	0-8-6	0-8-6
234 "	0-22	0-4-3	0-4-3
+209. Wet.	5.30.	19-2-0	3-11-6
		98-0-3	51-0-0

× No 44 & subsequent reports of ver. file B.

× Vide statement attached to letter No 4498 of 10.12.1897.

he held in the village.

8. Prior to the receipt of the revised Akarband, Ramappa had paid Rs 67-2-6 for 1894-95 or Rs 16-2-6 in excess of the amount he had to pay accordg. to the revised Akarband. This amount having been recommended[x] to be refunded, the refund was sanctioned in Govt Pro: No. 9714/H685 dy 1.5.1896.

[x] Letter No. 633 dy 4.3.1896.

9. Ramappa now requests[x] that the excess assessment at the rate of Rs 47-0-3[x] which he has been paying for 8 years (from 1886-87 to 1893-94), may be refunded to him as he did not receive water for his lands from the Kadakodagi tank since that year. In submitting a refund

[x] No. 4 of ver: file C.

Rs 98-0-3 — Rs 51-0-0.
= Rs 47-0-3.

[x] Letter No. 4490 dy 10.12.97.

refund bill for the amount in question viz Rs 376-2-0, the Dy Comr states that the Pahani × extracts show that the applicant had grown paddy on some parts of his lands and that it is fully brought home that he did not get the tank water for irrigating his lands. He adds further that the Dy Amildar × recommends the refund as Ramappa could not get water from the tank according to the Nirsari Dakhla.

× No 9 of ver: file C.

× No 17/2 of ver: file C.

10. The refund is claimed from the year 1886-87 on which Ramappa complained of the non-supply of water to his lands. (Please see para 3 above).

Submitted for orders. ^ the return

5/3/98 8/3/98

11. Under B.R. 6(r).

Chief Secretary, &

but Mrs Nanavaka has a right to claim a refund of what he had paid in years previous to the revision - But on equitable grounds. Mrs Nanavaka seems to deserve favourable consideration - Q

9/3/98

RDSon
9/3/98

12. I do not think the claim for refund could be sustained on adequate grounds. The civil decree is no bar to a settlement of any cause of dispute by new assessments - & especially such bar would not result in a modification of the rates of govt assessment & affect the govt revenue injuriously. The procedure adopted by Dr Govt Khan Shaheb is not quite warrantable. The village records

shows the existence of a channel in S 27 147 & 146 & if these channels had been allowed to be opened there wd have been no case for the modification of assessment. A question was put to the S Supdt to explain why if there was a channel as shown in the village map no reference was made to it in the classer's books, but the précis does not show that a reply was given to that question. This point must be made clear & the mamool channel which was irrigating the land must be restored the rates being also restored to what they were before. Send these papers to the S. Supdt & ask him for the favour of his opinion

I think this delay requires the notice of the Secretary
[illegible]
14/3/98

[illegible]

NB

The delay in the submission of these papers is very objectionable & as far as I can see inexcusable. The Rev Dept must keep [illegible] if it has to maintain its credit.
[illegible]
14.3.98.

GOVERNMENT OF MYSORE

13. The foregoing orders were communicated to the Superintendent of Revenue Survey and he replies as follows:—

× Letter No. 709 dt 12. 4. 1898.

"In his letter No. 960* of the 18th January 1894, the Deputy Commissioner, Kadur District, recommended the conversion of ~~the existing~~ wet assessment into dry of Survey Nos 210, 209, 208 and 212. In his letter No. 536× of 30th October 1894, the Deputy Commissioner, however, re-commended the conversion of the existing wet assessment into a reduced wet assessment similar to that prevailing in that part of the country for wet lands dependent upon rain water, at the same time stating that

* Enclosure to D. C's letter No. 633 dt 4. 3. 96.

× Enclosure to D. C's letter No. 633 dt 4. 3. 96.

the latter rate averaged Rs
1-4-0 per acre. In this last
statement the Deputy Commr
was in error for in a lowly
assessed country like that
near Adavalli, where the
maximum wet rate was
only Rs 4-8-0, the sixth
water class, the lowest, gives
very low assessment not
more than from 8 to 12 annas
an acre, and it is at these
rates that I have corrected
the Akarband. I am in
considerable doubt, however,
whether this arbitrary classi-
-fication is not too low
and I would suggest that
the land be carefully
classed in the field once
more

more when I will submit a further report giving the true classification of the fields concerned and also reporting upon the possibility of restoring the Mamool channel from the Kada Kodagi tank."

Subd for orders.
8/3 15/4/98

14. The Classification may be made by the Distt. Surveyor under the orders of the Collr & the papers submitted direct to the Supdt. of Rev. Surv: who may be requested to report further on the subject.

Submitted Secretary
15/4/98

Subd 16/4/98

Agd. 16/4/98

Rec'd 16.4.98.
15.

yes. Order accordingly

Issued vide order No. S. Supdt 24.6.98

Draft accepted 24/6/98

16. The Dy: Commr. was accordingly requested to have the lands carefully classed in the field once more by the Dt. Surveyor and submit the papers to Survey Supt for report to Govt, and the same was communicated to the latter Office — — —

Survs docket no: 12424 / R4287
d 30.6.98

docket no: 12425 / R4288 d 30-6-98

17. The report now submitted by the Survey Supt. shews that the lands were reclassed by a classer deputed by the Survey Deptt, more competent for the work than the Dt. Surveyor, that the lands were about 12 years ago irrigated by water led thro' S. nos: 145/146 whose occupants blocked up the Channel, that there is no other means of bringing water to the lands of the Petitioners, that the rates fixed in 1895 were arbitrary, that the present position of the lands is so good as to admit of a rate between 3rd & 4th Class, that the difference

No: 692 d 6-4-99

GOVERNMENT OF MYSORE

between the assessment fixed in 1895 (56-8-0) and that now fixed (42-8-0) is only Rs 14-0-0 and that in the opinion of the Survey Supdt., the claim for refund of assessment need not be entertained

S.V. Secretary for Orders 27/4/99

Sd/- B 28/4/99

R² 4. P.M. 29.4.99 28/4/99

18. Mere is still the question of the channel in Sl. No. 145 & 146 which is blocked up by the cultivations - Govt was no doubt entitled to the soil where it cannot direct a new course of the river in which he inherently possesses in such cases. Once more the information should be sought from the Survey authorities as to whether accurate

is taken of the
channel in their
lands when grading
Khanak Reg. This
information must
be noted. Specify
what would the extent
of land to be acquired
for a channel in their
lands & the cost of
such acquisition - The
claim for refund
may be
meanwhile
be rejected
& the Dy Govt
asked to give
notice to Ramappa.
When convenient
the agreement should
not be revised as
fixed by the S. Govt
& report the result
of such further negotiation

Recd 16/5/99 3/5/99

16/5/99

Draft sent
17/5/99.

19. The foregoing orders having been conveyed in Govt Pro: No 8627-8 dy 26th May 1899, " " -TC 1051 the Dy Commr now reports as follows :- ×

" I asked Ramappa to show cause why the assessment of his lands in the village of Aduvalli in the Yedahalli Sub Taluk should not be revised. He represents that his lands are on a high level and that therefore they cannot be easily irrigated by the channel in dispute even if it be made available for him. They have, he says, to depend upon rain water only, and therefore, prays that the lowest of the rates prevailing in the said

× No 611 dy 3rd June 1899.

village for the lands depending on rain water only, namely 1/4 Rs per acre, may be kindly adopted. The rate now proposed by the Survey Superintendent appears to be Rs 2/. per acre. The rate for the rice lands in that village depending on rain water only ranges, I am informed, from Rs 1/4 per acre to Rs 2/- per acre. The Survey Superintendent appears to have adopted the highest rate. As the man seems to have suffered much on account of these lands both on the revenue side and in the Civil Court to which he was referred by the revenue officers and as the lands are, he asserts, not of the best sort

Sort, the mean rate of Rs 1½ may perhaps be adopted, and the question of the channel given up altogether."

"It has been stated in the order under reply that the question of refunding the difference between the past assessment and that which may be fixed now cannot be entertained. In regard to this Ramappa represents that the Government in consideration of the heavy expenses occasioned by the civil litigation to which he was forced by the orders passed on the revenue side, may be pleased to reconsider their decision and

and protect him by letting him have the difference between the past and the revised assessment. With reference to this, I beg leave to state that I am of humble opinion that his solicitations are neither unjust nor extravagant."

Secretary to Govt
15/6/99

Rd 6.40 Pm.
15.6.99.

15/6/99

20. Let me have a statement (comparative) of the original assessment & that finally revised. According to the latter rate how much in excess has been paid by Ramabba, & how much refund is he entitled to? Also when a refund was sanctioned what will be the amount of refund if the deputy commr's recommendation is acceded to. This information may be given in the office note.

16.6.99

Office Note 16/6/99

Statement put up. 20/6/99.

Submitted.

21. A statement giving the required particulars has been attached hereto. From it, it will be observed that Ramappa is entitled to a refund of Rs 119/- for the 8 years from 1886-87 to 1893-94, as recommended by the Dy Commr.

22. For the year 1894-95, Ramappa at first paid Rs 29-2-9 for the lands in question viz Survey Nos 208, 209, 210 & 212. But a sum of Rs 16-2-6 was refunded to him in Govt Pro. No 9714 dt 1.5.96, as Jl 685 being the excess paid by him according to the rate revised in 1895, which is Rs 13-0-3 Thus he has paid only Rs 13-0-3 for the year 1894-95 and a sum of Rs 32-2-3 is still due by

by him for 1894-95. This sum has to be deducted from the amount of refund to which he is entitled viz Rs 119/2. The net amount to which he is entitled is Rs 8 6-13-9.

H Bowstead
Secretary
20/6 99

Subd 29/6 99

R6Bm.
24.6.99.

24-6-99

23. Send this comm to Mr S. Supt &c. Let him revise the assessment as sugd called for according this judgment. & on consideration of the representation. Supt &c. Supt consr the question of refund sugd considered if necessary after & when we know the exact difference between the present & revised assessments

Draft subd 29/6.

1 Lands held by Ramappa on which assessment has been revised.	2 Original assessment.	3 Assessment as revised in 1895	4 Difference between cols 2 & 3.	5 Assessment as revised at present.	6. Difference between cols 2 & 5.
208	17 - 0 - 0	3 - 8 - 0	13 - 8 - 0	12 - 0 - 0	5 - 0 - 0
209	18 - 0 - 0	3 - 8 - 0	14 - 8 - 0	12 - 0 - 0	6 - 0 - 0
210	14 - 0 - 0	3 - 8 - 0	10 - 8 - 0	12 - 0 - 0	6 - 0 - 0
212.	7 - 8 - 0	1 - 12 - 0	5 - 12 - 0	6 - 8 - 0	1 - 0 - 0
Total	56 - 8 - 0.	12 - 4 - 0	44 - 4 - 0	42 - 8 - 0	14 - 0 - 0
Local Cess	3 - 8 - 6	0 - 12 - 3	2 - 12 - 3	2 - 10 - 6	0 - 14 - 0
Total.	60 - 0 - 6.	13 - 0 - 3	47 - 0 - 3	45 - 2 - 6.	14 - 14 - 0

Amount of refund originally claimed by Ramappa at Rs 47-0-3 (col 4) a year for 8 years from 1886-87 to 1893-94. } 47-0-3×8 = 376-2-0

Amount of refund for the said 8 years at Rs 14-14-0 a year. (col 6) } 14-14-0×8 = 119-0-0

Amount due on the 4 Nos for 1894-95 at the revised rate. } 45-2-6.

Amount paid by him for the said year. = 13-0-3 (※)

Amount still due for the said year. = 32-2-3

Net amount of refund to which Ramappa is entitled till 1894-95. } 119-0-0 minus 32-2-3 = 86-13-9

(※) Amount actually paid by Ramappa for 1894-95 = 29-2-9.

But Rs 16-2-6 was refunded to him in Govt Pro: No 9714/H695 dt 1.5.96. } = 16-2-6.

13-0-3

P.T.O. for the rate

The orders of the 2d. Connection recorded in para 23 above, having been communicated to the Supdt of Revenue Survey, that officer states that he has fixed the assessment of the four Survey nos. (208, 209, 210 & 212) as per recent classification as shewn in the margin & that the A Karbands will be corrected accordingly.

@ No. 538 / 2208 dt 19.7.99.

* 128 dt 14.8.99

Surv. No.	Original Assessment	Revised in 1895	Revised on re-classification.
208.	17-0-0	3-8-0.	12-0-0
209.	18-0-0	3-8-0	12-0-0
210.	14-0-0	3-8-0	12-0-0
212.	7-8-0	1-12-0	6-8-0
	56-8-0	12-4-0	42-8-0

Difference = 56"8"0 − 42"8"0 = 14"0"0

L. Cess = 0.14.0

Total = 14"14"0

As regards the Dy Comm's recommendation ~~for~~ on behalf of Ramappa for light assessment on the grounds of the expense he has been put to & of his having suffered much both on the Rev: Side & in going to the Civil Courts, the Supdt of Rev: Survey states that these facts may point to liberality of treatment as regards

the difference between the past and the revised assessment, but that they can hardly affect the question of the classification and the rates as to the future -

25. With reference to the observation made by the 2nd Councillor in para 18 above as to whether account is taken of the channel said to have existed in S. nos (147) 146 & blocked up by the cultivators, in deducting Kharabe &c, if not what extent would be required for a channel in these lands, the Supdt. of Rev. Survey reports that no account was taken of the channel at the time of classification so far as making any allowance for it in S. nos 145, 146, & 147 & consequently no deduction

× Note There is a small channel in S. no. 145 T.

Q No. 839 dt 21/6/99.

of "Kharab" was made on account of the channel in those numbers, & that the presumption is that the channel was a very small one indeed probably not more than 16 1½ annas in width. He States that there is no doubt that the channel ran thro' Survey nos. 145, 146, & 147 to reach S.nos. 208, 209, 210, & 212, for in no other way could the water from the Kadi-Kodaji reach the latter batch of Surv: nos. He estimates the extent of land required for the channel as follows, allowing 2 annas as the width of the channel:

In Surv: No. 145 — 1¼ guntas
" " " 146 — 1¾ "
" " " 147 — 1½ "

He States that to avoid fractions, 2 guntas may be acquired in each Survey no, which being very small will make little, if any, difference in the assessment

of the Survey Nos concerned, + that the cost of acquisition may not exceed Rs. 15/- at the most.

26. The point for orders is whether the difference between the original assessment + the revised assessment as per re-classification should be refunded to Ramappa as shewn in the statement, or the channel in Sur: Nos 146+147 should be restored by the acquisition of a small extent therein + the original assessment left untouched. The Dy Commr is in favor of the former alternative.

Rs 96 " 13 " 9

Sub Asst Secretary
2/9/58

Submitted to Dy Commr.

Ramappa himself says the restoration of the channel cannot be of much use to him - The assessment has been revised & the N. Channa - land corrected - The

may be advanced &
refund sanctioned

4-9-99

RJ 3/9.
4.9.99.

Therefore may be sanctioned - & the channel is misleading the condemnation of sum may be ignored

5.9.99

Draft subd.
11/9/99

Sus. Regr. No. 10

File No. 120 of 1903-04

Serial No. 13

Shall a Reminder issue to the Deputy Commissioner, Kadur District

for a reply to this Office No. 2322-3 / H242, dated the 16th Sept 1899

Subject.

Request to submit a ~~ref~~ revised refund bill for Rs 86-13-9 in favour of Wastara Ramappa, being the difference between the original assessment and that revised in 1895 on his lands in Survey Nos. 208, 209, 210 & 212 of the Adiwalli Village, Yedahalli Sub-taluk

Dun 18[illegible]

7.7.04

Reminders.

No.	Date.	
1383	21-7-04	

1904

GENERAL AND REVENUE SECRETARIAT.

Letter

1897 (4837) H. 819

From The Dy Commissioner Kadur District

To The Secretary to Government Genl & Rev. Departments

Dated 10th December 97.

Despatched 6th January 1898.

Received

General No. 449
No.

Enclosure Nos 4 & Records

Submitting for sanction a refund bill for Rs 376.2.0 in favor of Wastara Ramappa of Advalli village, Balehonnur Hobli, Yedehalli Sub. Taluk, on account Kaick assessment paid by him on his lands from 1886-87 to 1893-94.

Submitted for orders.

The propriety of giving retrospective effect to the alteration in the Aduvalam made by the Supdt. Rev Survey, seems doubtful. Please see the copies of correspondence between the Dy Comm. & the Supdt Revenue Survey, recd vide the former Diwan's letter No 633 & 4 dtd March/96.

31/1/98

Please have one more note prepared & should deal with the matter generally at once.

11-2-98

Subd. 2/3/98

H° Acct

Rev

7-1-98

Refunded 5/1/98.

Submitted
28/1

Chikmagalur, 10th December 1897.

From

The Deputy Commissioner
Kadur District

To

The Secretary to Government
Genl. & Rev. Department

Sir,

I have the honor to submit herewith for sanction and transmission to the Comptroller for audit the accompanying bill No. 4 for Rs 376.2.0 to be refunded to one Wastara Ramappa of Adavalli village, Balehonnur Hobli, Yedehalli Sub. Taluk, on account of the previous years' assessment he had paid on his lands during 8 years from 1886-87 to 1893-94.

2. The applicant, Ramappa, possesses 9 Survey Nos., of which 8 nos. are in his Khata and the remaining one is in the Khata of one Venkat Lakshamma and in the actual possession and enjoyment of Ramappa.

3. In 1886-87, Ramappa complained

that 4 of the above said lands, viz. Survey Nos. 208, 210 and 212, of his Khate and No. 209 of Venkat Lakshamma's Khate used to be irrigated from the water of Mandlagar Halla and that certain landholders above him objected to let water to his lands from the said halla. On 3d. November 1886, Mr. Micklejohn, the then Deputy Commissioner, directed the Deputy Amildar to instruct the parties to settle the matter amicably themselves.

4. In January 1887, Ramappa renewed his petition and recapitulated the above complaint, when he was ordered to have the matter decided by a Civil Court.

5. Accordingly, Ramappa lodged a suit in the Yedehalli Munsiff's Court praying for a decree declaring that he was entitled to the said halla water inasmuch as the Survey map showed the ~~trace~~ of the existence of a channel from the halla. In 1887-88, a decree was passed to the effect that Ramappa had no right to the halla water and it was also confirmed by the Appellate Court.

trace

6. In the meanwhile, Ramappa secured from the Survey Department copy of a reference (Kirasari Dakla) showing that Survey No. 210 (one of the aforesaid 4 wet Survey Nos) was dependent on Kadakodgi Tank for wet cultivation and addressed a petition to this Office on 2.1.1891 stating that the Civil Court decree was passed in respect of the halla water while his lands were entitled to get water from the said tank and prayed for orders to take the halla water through certain lands, the holders of which, he said, wantonly obstructed the flow of water by covering the channel shown on the Survey map with earth, or that the wet rates should be reduced.

7. On 30th December 1891, the petitioner Ramappa was referred to a Civil Court for redress.

8. In February 1892, Ramappa, without resorting to a Civil for remedy, prayed by a petition to the Dy Commissioner for a personal inspection of the lands concerned and for reduction of wet

assessment if, after inspection, it is decided that they could not have access to the tank water.

9. On 29th April 1893, the then Deputy Commissioner, Mr. Sparkes, inspected the lands personally and decided that the lands could not be irrigated by the water of the Kadakodgi Tank on which they depended and that their assessment should be converted from wet into dry rates.

10. On a reference having been made to the Survey Superintendent, he stated in his letter No. 506 dated 10th February 1894 that the Civil Court decreed as to the right of Halla water with reference to the channels passing through certain Survey numbers and not that Ramappa had no right to water from the Kadakodagi tank if it came by another course and he suggested a careful inspection when Ramappa's lands were under irrigation, to see exactly how the water was brought and also

added that in a country like that in question, it was difficult to believe that the lands would be used for dry cultivation alone and that if after further enquiry, the Deputy Commissioner still considered that Ramappa's lands should be classed as dry, he would alter the Akarbands and that in that event Ramappa could not cultivate the lands with wet crops.

11. Accordingly, the lands were duly inspected by the Dy Amildar on the 24th September 1894. From his detailed report of the 28th idem, it was clear that the lands in question could not at all be cultivated with paddy with the help of the tank water except with the help of the rain water and that the said lands called for a reduction of wet assessment similar to the neighbouring lands fed with rain water.

12. Accordingly the Akarband was received duly altered. A comparative statement

showing the assessment with which the lands stood charged before and after the alteration is herewith submitted for ready reference. It can be observed from that statement that the assessment including Local Cess due on the 9 numbers of Ramappa was originally Rs 98.0.3, which on receipt of the revised Akarband stood at Rs 51 or Rs 47.0.3 less than before revision

13. The revised Akarband was received in May 1895 and sent to the Dy Amildar who caused the village accounts prepared according to the alterations therein made.

15. Ramappa, who, prior to the receipt of the revised Akarband had to pay Rs 98.0 on 9 Survey Nos., had paid Rs 67.2.6 or Rs 16.2 in excess of Rs 51.0.0 due according to the revision for 1894-95. A refund bill for the said sum of Rs 16.2.6 was sanctioned by Government (vide correspondence ending with Proceedings No. $\frac{9714}{\text{Fl. } 685}$ dated May 1896) and the amount was duly paid back to Ramappa.

16. Ramappa now begs that the excess assessment of Rs 376-2.0 inclusive of

Local cess annually paid by him at the rate of Rs 47. 0. 3 a year and credited in the Treasury from 1886-87 to 1893-94 may be refunded him as his contention for relief made in September 1886 finally ended in the reduction of assessment on 4 Survey numbers above alluded to by the Survey Superintendent.

17. The Dy Amildar recommended the refund in favor of the applicant as he could not get the water from the Kadakodgi Tank according to Kirasaré dakla in the Survey Department.

18. Though the Pahani Extracts show that the applicant had grown paddy on some part of the said Lands, yet it is fully brought home that he did not get the tank water for irrigating his lands. Hence the bill for refund.

19. The vernacular papers ending with the Gedehalli Deputy Amildar's Report No. 276 dated 27th November last

are herewith forwarded for reference and favor of return. A sketch showing the positions of different Survey numbers and the tank &c. accompanies file No. B together with the village Survey Map.

I have the honor to be,
Sir,
Your most obt. Servant,

A. Spankie

Asst. Dy Commissioner
Kaira District

From

The Secretary to Govt.

Revenue & Genl. Depts.

To

The Superintendent of

Revenue Survey

Dated 24/3/98. in Mysore.

No. 2110 V.
24

Sir, R. 2977

I am: 24 files ~~of W.P.~~

In forwarding herewith the[x] file of correspondence connected with the proposed refund of Rs 376-2-0 in favor of one Wastara Ramappa of the Aduvalli village, Gedahalli Sub-Taluk, being the amount of excess assessment paid by him from 1886-87 to 1893-94 for his lands in the said village, I am directed to observe that the ~~civil~~ decree passed by the Munsiff of Gedahalli

[x] 1. Letter No 633 dt 4. 3. 96 from the Dy Comr, Kadur, with enclosures.

2. Letter No 449 dt 10. 12. 97 from the same officer with enclosures and 3 ver: files marked respectively A. B. & C.

and confirmed by the Appellate Court declaring that Ramappa has no right to water through Sur. Nos. 147, 146 & 145 of Putta and Badiya, is no bar to a settlement of irrigation dis-
-pute by Revenue Officers and that especially such bar should not result in a modification of the rate of Govt. assessment and affect the Govt. revenue injuriously. The procedure adopted in the case by the then Dy Comr. Mr. Sparkes does not seem to be quite warrantable. The village map shows the existence of a channel on Sur: Nos 147 & 146 and if these channels had been allowed to be opened there would have been no case for the modi-
-fication of assessment. The matter seems to have been

been referred to you by the Deputy Commr in his letter No. 960 dt 18th January 1894 but your reply does not seem to be conclusive. I am therefore to request that you will be so good as to state why if there was a channel as shown in the village map on the lands in question, no reference was made to it in the Classer's books and whether the mamool channel which would irrigate Ramappa's lands cannot be restored and the rates of assessment as originally imposed, continued.

I have &c

20/3/98

Secretary

18/3/98 19/3/98

Received 20/3/98

Copied 22/3/98

Gen. 31.]

APR 6
1898
MYSORE GOVT.

From The Supdt Mysore Red Survey

To The Secretary to the Govt of Mysore Rd and Red Departts

Dated
Despatched } 12th April 1898
Received

General No. 709
No.

Enclosure No. with files

Secretary's letter No 9110 of 2977
24th March 1898

Furnishing information in connection with the proposed refund of Rs 376-4 in favour of one Wastard Ramaya, Adralli village Yedikalli Sub Taluk

Refer
Rev 17-4-98

Rev 6 Br. 13/4
Rev Refer to subs 14/4

Hr confirm
Subd. 15/4.

No 709

Survey Superintendent's Office

Bangalore 12th April 1898.

To

The Secretary to the
Government of Mysore
Rgl and Revenue Debutts

Sir

I have the honor to acknowledge receipt of your letter No. 9110 dated 24th March 1898 for warding a file of correspondence connected with the proposed refund of Rs 376. 2. 0 in favour of one Wastard Ramappa, Advalli village, Sub-Taluk Yedihalli and calling upon me for certain information.

2 In his letter No. 960 of the 18th January 1894 the Deputy Commissioner

Encl: 6 Orders & Note
No 6338 4. 3. 96

Commissioner, Kadur District

GOVERNMENT OF MYSORE

recommended the conversion of wet assessment into dry of Survey Nos 210, 209, 208 and 212. In his letter No 536* of 30th October 1894 the Deputy Commissioner however recommended the conversion of the existing wet assessment into a reduced wet assessment similar to that prevailing in part of the country for wet lands dependent upon rain water, at the same time stating that the latter rate averaged Rs 1.4.0 per acre. In this last statement the

* Enc 6 to Commr's No 633 & 4.3.96.

the Deputy Commissioner was
in error for, in a lowly
assessed country like that
near Adwalli, where the
Maximum wet rate was only
Rs 4.8.0 the sixth water class,
the lowest, gives very low
assessment, not more than
from 8 to 12 annas an acre.
and it is at these rates that
I have corrected the Akar-
band. I am in considerable
doubt however whether this
arbitrary classification is
not too low and I would
suggest that the land be
carefully

carefully classed in the field once more when I will submit a further report giving the true classification of the fields concerned and also reporting upon the possibility of restoring the Mamul-Channel from the Kadakodji tank.

3 The files of correspondence received with your letter under reply is herewith returned

I have the honor to be
Sir,
Your most obedt Servant

Supdt Mysore Rd Survey

Serial 4. 18

To

The Deputy Commr.
Kadur Dt.

Dated 30/6/98.

No 12424 E & A with
R. 4287 Records.

His letter No 4498 of 10th December/97 submitting for sanction a refund bill for Rs 376-2-0 in favour of Wastara Ramaya of Adiralli Village, Yedatore Sub-Taluk, on account of excess assessment paid by him on his lands from 1886-87 to 1893-94.

Yedaballi

With reference to the above has the honor to request that the Dy. Commr. will be good enough to direct the Dt. Surveyor to have carefully class the lands

and then submit the papers direct to the Supt. of Rev. Survey, for report to Govt.

The Vernacular papers are returned herewith.

By order

27-6-98

Secretary.

25/6/98 25/6/98

No. 12425
R. 4288

Copy of the above is forwarded to the Supt. of Rev. Survey in reply to his letter No. 709 of 12th April 1898, with a request that he will be good enough to send the further report promised after receipt of the necessary papers from the Dy. Comr.

By order

25/6/98 25/6/98 Secretary

Serials ✓

RECEIVED AT THE DEWAN'S OFFICE
Gl. No. 6223
APR 8 99
No. 1230
1899

Submitted for orders with Re Continued office note

24-4
25/4

From The Supdt Mysore Rev Survey

To

THE SECRETARY TO THE GOVT. OF MYSORE,
Gl & Rev Depts.

Dated 6th April 1899
Despatched
Received

General No. 692
No.

Enclosure No. Rev correspondence

In reply to

SUBJECT

Reporting upon the refund Bill for Rs 376.2.a in favour of Wastara Ramappa of Advalli village Yedihalli Sub Tk

8-4-99

References
(to be entered only in the Dewan's Office)

Subd Refer/put up 12/4

12/4/99

No. 692

Survey Superintendents Office
Bangalore 6th April 1899

To

The Secretary to the
Government of Mysore
Gen and Rev Depts.

Sir

With reference to Govern=ment Proceedings No $\frac{12424}{R4287}$ dated 30th June 1898, in which the Deputy Commissioner was direct=ed to submit direct to me the papers connected with the question of a refund bill for Rs 376-2-0 in favour of Wastara Ramappa of Advalli village I have the honor to report as follows.

GOVERNMENT OF INDIA

2 I append Deputy Com-
=missioner's letter No 1086 / Enc 5 Ver papers
dated 18th February 1899 which
was addressed to me in
accordance with the Proceed-
=ings of Government quoted
above

3 I would respectfully point
out that the appointment of
the District Surveyor, as
directed in Government Pro-
=ceedings of the 30th June 1898,
to class the lands concerned
was superfluous, because Dis-
=trict Surveyors are not necess-
=arily acquainted with classi-
=fication work and moreover
I had, in my letter No 709
of 12th April 1898 suggested the

land being carefully re-classed, of course by one of my own classers. As a matter of fact when the District Surveyor visited the spot the Classer had already finished the classification and left. The District Surveyor's report is useless to me and I now report on this case on the basis of the classification and report submitted by the Classer

4 The Classer reports that formerly, some 12 years ago, Survey Nos 208, 209, 210 and 212 were irrigated by water led through Survey Nos 146 & 145. The occupants of Nos 146 and 145 then blocked up the channels

or

or at any rate in some way stopped the supply. There is no means of bringing the water to the lands of petition=ers excepting, as formerly, through Survey Nos 146 and 145.

5. As I expected, and as I stated in my letter No. 709 of 12th April 1898, it turns out, from the classi=fication now carried out, that the arbitrary rates fixed in 1895, on the assum=ption that the land enjoyed only the rain fall and was therefore liable to the lowest assessment fixed for wet land, are far too low. The position of the lands concerned

is so good that instead of the 6th water class, the — lowest, the Classer has fixed the water class between 3rd and 4th water class i.e between 3 annas and 4 annas. I — have, as rests with the Superintendent of Survey in any doubtful cases, reduced the Classers water class by 6 pies. The following, even then, is the result of the re-classification now made.

Sy No	Original assessment Rs. a. p.	revised in 1895 Rs. a. p.	revised on present re-classification R. a. p.
208	17. 0. 0	3. 8. 0	12-0-0
209	18. 0. 0	3. 8. 0	12.0-0
210	14-0-0	3. 8-0	12-0-0
212	7. 8-0	1. 12-0	6-8-0
	56-8-0	12. 4-0	42.8-0

6 The mistake in the treat-
=ment of this case was that
in 1895 the assessment was
revised without any re-classi
=fication in the field and
there is now no doubt that
the rate fixed in 1895 was
far too low. The Deputy Com-
=missioner first recommended
(No 960 of the 18th January 1894)
that merely dry assessment
be imposed but later on
(No 536 of 30th January 1894)
the Deputy Commissioner re-
=commended a reduced wet
assessment similar to that
fixed for purely rain —
irrigated land. The result
was that, believing a very
low rate of wet assessment
was

was required, the Deputy-
Commissioner having suggested
even the small dry rate, and
being unaware that the land
derived its advantage more
from natural position than -
from the supply from the Kad-
kodgi tank I fixed rates which
have now been proved to be
far too low. I was under the
impression that the land depend-
-ed entirely on the Kadkodge
tank for its supply. Had the
case occurred in the Maidan
country no doubt I should have
been right in adopting the
lowest water class but in the
Malnad, as is well known, some
of the very best wet land has no
tank supply at all, owing

everything to position.

7. Taking the assessment now fixed as regards Survey Nos 208, 209, 210 and 212 viz. Rs 42.8.0 against Rs 56-8-0 original assessment, before altered in 1895, there is a difference of only Rs. 14.

8. I am asked in your letter under reply why no reference is made in the Classers books to the channel as shown in the village map. The Classers books distinctly mention the supply of water to the land under reference as coming from the Kadkola tank although the course of the channel is not described I have already stated that the

the Classer who has just re-
classified the land reports
that there is no new way of
irrigating the lands concerned
9. I doubt if the assessment
now fixed can be altered i.e.
the assessment as revised in
1895, unless the tank supply
through Survey Nos 146 and 145
be renewed. The claim to
refund of difference of assess-
=ment from 1886-87 to 1893-94
need not however be entertain-
=ed. Vern correspondence bearing on the subject is
herewith submitted

I have the honor to be
Sir
your most obedient servant.

H. Lumsden

Supdt. Mysore Rev. Survey.

V

Read:-

Correspondence ending with letter No 692 dated 6th April 1899, from the Superintendent of Revenue Survey in Mysore, regarding the refund of Rs 376-2-0, in favor of one Wastara Ramappa of the Aduvalli village, Yedehalli Sub Taluk.

—o—

Order thereon:-

1. The refund of Rs 376-2-0 in question is claimed by Wastara Ramappa under the following circumstances:-

2. Ramappa is the owner of the marginally noted 9 Survey Nos in the aforesaid village, of which Surv: Nos 208, 209, 210 and 212 are entitled to be irrigated by a channel drawn from the Kadkodagi tank thro' Surv: Nos 144, 146, 147, 148 and 149 of the said village. Of

W. 8627-8 d/26/5/99
Fl 1051

W.W.P.

8627-8 d/26/5/99
Fl 1051
1

Surv: No.	Extent. A. G.	Assessment. Rs. As. Ps.
41 Bagayat.	1-38	24-7-0.
208 Wet.	5-24.	18-1-0.
210 "	5-36.	14-14-0.
211 "	5-24	11-11-0
212 "	3-4	7-15-6
209 "	5-30	19-2-0
217 Dry	2-26	1-1-0
233 "	1-4	0-8-6
234 "	0-22	0-4-3
	98-0-3	

these, Survey Nos 148 and 149
are Govt waste and the remaining
three are held by two ryots,
Putta and Badiya.
3. On the 8th September 1886,
Ramappa complained to
the Dy Amildar that Putta
and Badiya obstructed the
flow of water to his lands
by closing the channel passing
through their lands and
requested that orders being issued
allowing him to take water
as usual. When questioned,
Putta and Badiya refused
to allow the water to run through
their lands to Ramappa's
lands; and the matter was
therefore upon reported for the
orders of the Dy Commr,
(Mr Meiklejohn), who directed
the parties to settle the dispute
amicably between themselves
and to follow the Mamool.
4. In January 1887, Ramappa
having again complained,
he was referred to the
Civil

Civil Court. He accordingly instituted a suit in the Gadehalli Munsiff's Court, praying for a decree declaring his right to the use of water through the channel in the lands of Putta and Badiya. In 1887-88, a decree was passed by the Munsiff to the effect that Ramappa had no prescriptive right to get water for his lands through a channel in the lands in question. This decree was confirmed by the Appellate Court

5. In January 1891, Ramappa petitioned the Dy Commr stating that the Nirsari Dakhla obtained from the Survey Department, showed that his lands were entitled to be irrigated by the water of the Kadkodagi tank, which had to pass only through the lands of Putta and Badiya. On inspection

of the lands by the Deputy Amildar, it was found that there was a channel in Sur: Nos 149, 148 and 145, whereas there was none in Nos 147 and 146; while the village map showed that the channel began in Sur: No 149 and passing through Nos 148, 147, 146 & 145 was connected with No 210 of Ramappa. The matter having been reported for the orders of the Dy Commr, he (Mr. Sparkes) ordered that Ramappa's case having been decided by a Civil Court in 1887, no further steps could be taken and that if Ramappa had anything further to urge, he might to the Civil Court for redress.

6. In February 1892, Ramappa again requested the Dy Commr to inspect the lands and if, after inspection, it was found that his lands could have no access to the tank water

water, to reduce the assessment imposed upon them in consideration of the water supply. On inspection, the Dy Commr (Mr Sparkes) observed that there were no grounds for reducing the wet assessment into dry as prayed for by Ramappa and rejected his petition.

7. On 31st October 1893, Ramappa again petitioned the Dy Commr, requesting either ~~that~~ he might be allowed to take water through Sur: Nos 146 & 147 from the tank or that the excess assessment imposed in consideration of the water supply might be reduced. The Dy Commr then ~~sought for the opinion of~~ consulted the Sur: Supdt regarding the conversion of wet assessment into dry on Sur: Nos 208, 209, 210 & 212. The Survey Supdt suggested that the lands in question ~~should~~ might be inspected when they were under irrigation in order to see how the

the water was conveyed to them and observed that in a country like the one in question, it was not probable that the lands would be used only for dry cultivation. The Dy Amildar inspected the land ~~as stopped~~ and reported that the lands were cultivated with rain water only and that no water was brought to the lands through the channel. ~~The Dy Amildar also obtained a Kaifiyah from Ramappa in which he~~ stated before the Dy Amildar that his request was not for conversion of the wet assessment into dry but for reduction of the assessment to the rates imposed on other wet lands which depended solely on rain water for irrigation. The report of the Dy Amildar was forwarded to the Survey Supdt with a request that ~~alter~~ the Akarband be allowed as prayed for by Ramappa.

The

The Akarband was then altered and sent to the Dy Commr in 1895. According to the revised Akarband, Ramappa had to pay Rs 51/- as against Rs 95-0-3 on the 9 Survey Nos he held in the village.

8. Prior to the receipt of the revised Akarband, Ramappa had paid Rs 69-2-6 for 1894-95 and the excess amount of 16-2-6, having been recommended to be refunded, the refund was sanctioned in G.O. No 9714 -Fl 685 dated 1st May 1896.

9. Ramappa then requested that the excess assessment of Rs 376-2-0 at Rs 47-0-3 a year, paid by him for 8 years from 1886-87 to 1893-94 might be refunded to him and the Dy Commr submitted a refund bill for the said amount The opinion of the Survey Supdt was then called for and he suggested that the land should be carefully classed in the field

The claim for refund is in the meanwhile rejected and the Dy Commr is requested to give notice to Ramappa to show cause why the assessment should not be revised as now fixed by the Survey Supdt and to report the result of such further enquiry for the orders of Govt.

21/5-99

Secretary

21/5/99.

To.

The Supdt of Rev. Survey in Mysore, returning enclosures.

The Deputy Commissioner, Kadur District.

Submitted to Secretary—

A similar question regarding right to take water through another man's lands having arisen in the Tumkur District & the said Govt having declined to countenance the right in the case brought to the notice of the Govt of land forming the bed of the Channel & the Govt ordered why in reducing the assess[illegible]. The Rev Secretary, Exam in Chief was of opinion that the Rev authorities were bound to grant the relief prayed for by the occupant & leave the Govt to move. This file is burdening Secys personal - Means the present draft also be delayed & both the files submitted to Govt at the same time by the Secy?

21-5-99 This was written on 21/5/99

R. 5085 1898-99

From The Deputy Commissioner
Kadur District

To The Secretary to the,
Government of Mysore
Genl and Rev- Depts

Dated 3rd

Despatched } June 1899
Received

General No. 611
No.

Enclosure No. 1

Reporting for the orders of Government the result of Enquiry about the revision of assessment on the lands of Wastara Ramappa in the Adiwalli village, Yedahalli Sub-Taluk

R
8.6.99
Submitted
Respectfully
D.C.
10/6.

Confirmed
Note and
Submitted
10/6/99

Office note continued and submitted.
12/6/99.

No. 611

Kadur District
Deputy Commissioner's Office
camp Yedhally June 3rd 1899.

From

The Deputy Commissioner
Kadur District

To

The Secretary to the
Government of Mysore
General and Rev. Depts.

Sir,

As required in Government order No. 2627-8 of the 26th May 1899, Fl. 1051 I asked Ramappa to shew cause why the assessment of his lands in the village of Aduvalli in the Yedahalli Sub-Taluk should not be revised. He represents that his lands are on a high level and that, therefore, they cannot be easily irrigated by the channel in dispute even if it be made available for him. They have, he says, to depend upon

upon rain water only, and, therefore, prays that the lowest of the rates prevailing in the said village for the lands depending on rain water only, namely 1¼ Rs per acre, may be kindly adopted. The rate now proposed by the Survey Superintendent appears to be Rs2/- per acre. The rate for the rice lands in that village depending on rain water only ranges, I am informed, from Rs1¼/- per acre to Rs2/- per acre. The Survey Superintendent appears to have adopted the highest rate. As the man seems to have suffered much on account of these lands both on the revenue side and in the Civil Courts to which he was referred by

by the revenue officers, & as the lands are, he asserts, not of the best sort, the mean rate of Rs 1/2 may perhaps be adopted, and the question of the channel given up altogether.

2. It has been stated in the order under reply that the question of refunding the difference between the past assessment and that which may be fixed now cannot be entertained. In regard to this Ramappa represents that the government, in consideration of the heavy expenses occasioned by the civil litigation to which he was forced by the orders passed on the revenue

side

side, may be pleased to reconsider their decision and protect him by letting him have the difference between the fast and the revised assessment. With reference to this, I beg leave to state that I am of humble opinion that his solicita-tions are neither unjust nor extra-vagant.

3. Ramappa's statement is here-with submitted.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner
of Kadur

ENGRAVED BY W. & SONS

Serial 8

2

8155

R 5264

General Serial No. 30.

1897.

From The Supdt Mysore Red Survey

To The Secretary to the Govt of Mysore Rev & Red Departts

Dated 21st June 1899

Despatched

Received

Enclosures No. 2 ✓ Ver files

General No. 839
No.

In reply to Govt Ro. No. 8629-8 of the 26th May 1899 7A 1051

Reporting further upon the deduction or otherwise of "Kharab" in certain Survey Numbers of Adavalli Yedihalli Sub SK on account of a channel running through them.

23.6.99 Subd.

The refce were subd as the 2nd Cr on 24/6/99 with Rl No. 7781 R 5085 of 3/6/99 from D.C. Kadur.

WS 27/6/99

Submitted to Secretary with draft on Govt No 611 of 30th June 1899

WS 30/6/99

Issued Govt No 611 of 30th June 1899

No. 839.

Survey Superintendent's Office

Bangalore 21st June 1899.

To

The Secretary to the Govt of Mysore Gl & Rev (Departts)

Sir

In accordance with in=
=structions conveyed at Para 10
of Government Proceedings
Order No 8627-8 dated 25th May
7L 1057
1899 on the subject of the refund
of Rs 376.2.0 in favour of one
Wastard Ramappa of the Adda-
=valli village, Yedihalli Sub
Taluk, I have the honor to re=
=port further upon the deduction
or otherwise of "Khrab" in Survey
Nos

* 2 files of corres are herewith re-submitted.

Nos. 145, 146 and 147 on account of a channel running through them, to supply Survey Nos. 208, 209, 210 and 212.

2 I find that no account was taken of the channel at the time of classification, so far as making any allowance for it in Survey Nos 145, 146 and 147, and consequently no de= =duction of "Khrab" was made on account of the channel in those Numbers. The presump= =tion is that the channel was a very small one indeed, pro= =bably not more than 1 to 1½ cubits in width. That the channel ran through Survey Nos.

Nos 145, 146 and 147 to reach Survey Nos. 208, 209, 210 and 212 there can be no doubt, for in no other way could the water from the Kadikodigi reach the latter batch of Survey Numbers. Later enquiry has also established this point.

3 Allowing 2 annas as sufficient width for the channel the extent need required would be

— in No 145 — 1 1/4 Guntas —

—— " — " 146 — 1 3/4 — " ——

—— " —— 147 — 1 1/2 — " ——

It would be advisable to acquire say 2 Guntas in each of the Numbers, to avoid fractions. The extent to be acquired is very

paltry

paltry and will make little, if
any, difference in the assessment
of the Survey Numbers concerned.
The cost of the requisition should
be very trivial not more prob-
=ably than Rs 15 at the utmost

I have the honor to be
Sir,
Your most obed't Servant
J. P. Grant
Supt't of Govt Revenue
Survey

V
To

The Superintendent of Rev.
Survey in Mysore.

No. 538 / G.208 Enclosure letter and V Papers

Date. 19/7/99

With reference to correspondence with letter No: 839 of 21st June 1899 from the Supdt: of Rev Surv: in Mysore, has the honor to forward

~~In forwarding~~ herewith copy of letter No. 611 of 3rd June 1899, from the Dy Comm. Kadur Dt, regarding the revision of assessment on the lands, Surv: Nos 208, 209, 210 and 212, of Wastara Ramappa in the Aduvalli village, Yedahalli Sub Taluk, ~~has the honor~~ and to request that the Supdt, Rev Survey, will be good enough to revise the assessment on the lands in question in such manner as in his judgment may be called for ~~according to his judgment and~~ on consideration of the representation made by the Deputy

the result for the orders of Govt.

2. Vernacular papers are forwarded herewith.

By order,

17-7-99

30/6/99 Secretary.

Submitted Secretary

Pro: No 8627-8 of 26-5-99 Govt the latest order on the subj was forwarded

1) Dy Comr, Kadma

2) Sub-Divl Officer, Sujok-

The Dy Comr's reply was first rec'd. The Sujok note was submitted to the Sub-Divl Officer who has framed orders. These Orders are in accordance with the Orders, before the issue of which, the Sub-Divl Officer's reply - 839 - of 21.6.99 was rec'd - It relates to the "Phool Kharab" allowed to the Pro - The Sub-Divl Officer has not seen it. In working out the Sub-Divl's the latest ref from him is quoted. May the draft as corrected by me issue?

yes. I am sorry I delayed it.

17-7-99

30/6/99

Gen. Serial No. 30.]

No. 1023
G.I.P. 500
Ag 3+4
DEWAN'S OFFICE

1899

From The Superintendent
Mysore Res Survey.

To

The ~~Chief~~ Secretary to the
~~Dewan~~ of Mysore.
Govt
Gen & Rev Depts.

Dated 14th August 1899.
Despatched

Received

Enclosures No. Ver. Papers.

General No. 128
No.

In reply to Docket No. 538 & R208 of 19th July 1899

SUBJECT.

Reporting on the subject of the revision of the assessment of certain survey numbers of the village of Advalli, Yedihalli Sub. Taluk belonging to Wastara Ramappa. ——

References (to be entered only in the Dewan's Office.)

14/8/99

Refer submit
VS 18/8/99

Note continued
& submitted.
28/8/99

No 128

Survey Superintendents Office
Bangalore 14th August 1899

To

The Secretary to the Govt
of Mysore, Dpt and Rev Departts

Sir,

In reply to your Docket No.
538/208 of the 19th July 1899 on the
subject of the revision of the
assessment of Survey Nos 208,
209, 210 and 212 of the village
of Adwalli, Yedikalli Sub-
Taluk belonging to Wastara
Ramappa, I have the honor to
state that I have fixed the
assessment of the above Survey
Numbers as per recent classi-
-fication as shown at Para 5
of

of my letter No 692 of the 6th
April 1899 and the Akarbands
will be corrected accordingly.

2 The Deputy Commissioner
puts in a plea for Wastard
Ramappa for light assessment
on the grounds of the expense
he has been put to and of his
having suffered much both
on the Revenue side and the
Civil Courts. These facts may
point to liberality of treat=
=ment as regards the difference
between the past and the re=
vised assessment but they
can hardly affect the question
of the classification and the
rates as to the future.

3 Vernacular papers are returned herewith.

I have the honor to be
Sir,
Your most obed't Servant
H. Sewell
Supt. Mysore Revenue
Survey

Read again :-

Govt Pro: No. 8627-8 dated 26th May 1899, declining to sanction the refund of Rs. 376-2-0 in favor of one Wastara Ramappa, being the difference between the original assessment and that revised in 1895 on his lands Sur: Nos 208, 209, 210 and 212 of the Adavalli village, Yedehalli Sub Taluk, for the 8 years from 1886-87 to 1893-94.

Read :-

Letter No. 611 dt 3rd June 1899, from the Dy Commr Kadur District.

Also :-

Letter No. 128 dt 14th August 1899, from the Superintendent of Revenue Survey in Mysore.

—o—

Order thereon :-

In the Govt Pro: read above, the Dy Commr was directed to give notice to Ramappa to show cause why the assessment on the 4 Sur Nos in question shou

Wt 18 V.P.
+ 2 Ors. Subl

V. 2322-3
T. 212

8/16/1899
16

not be revised as at present fixed by the Superintendent of Revenue Survey, ~~which has been~~ as detailed in the margin. ~~It was also enquired~~ Enquiry was also made whether any extent of land was deducted as Phut Kharab in ~~from~~ Sur Nos 145, 146 and 147 of the said village on account of the channel leading water from the Kadkodagi tank through the said lands to the lands of Ramappa.

Sur No.	Original assessment.	Assessment assessed in 1875:	Assessment assessed at present
208.	17-0-0	3-8-0.	12-
209.	18-0-0	3-8-0	12-
210	14-0-0.	3-8-0	12-
212.	7-8-0.	1-12-0.	6-
	56-8-0.	12-4-0	42-
Local Cess.	3-8-6.	0-12-3.	2-
	60-0-6.	13-0-3.	45

2. The Dy Commr now reports that Ramappa represents that his lands cannot be easily irrigated by the channel passing through Sur Nos 145, 146 & 147 even ~~if~~ Should it be made available for him and requests that as his lands depend upon rain water only, the lowest rate might be adopted for ~~his lands~~ them. The Dy Commr further recommends that in consideration of the heavy expenses incurred by Ramappa

Ramappa on account of the
civil litigation undertaken ~~to which he~~
~~was forced by the enhancement~~
~~in the revenue Sirby~~ a refund
of the difference between the
first and the revised assess-
ment might be sanctioned.

3. The Superintendent of
Revenue Survey, who was
consulted in the matter,
states that there is no reason
to change the rate already
adopted for the lands in
question. He further reports
that no deduction of Kharab
has been made in Survey Nos.
145, 146 & 147 on account of
the channel and that an
extent of 2 guntas might
be acquired in each Where Nos.
for the purpose.

4. Under these circum-
stances, Govt. are pleased
to sanction the refund of
the difference between the
original and the revised
assessment for the 8 years
from 1886 87 to 1893-94,
which exceeding the amount
payable by Ramappa for
the

Rs 86-13-9 as shown in the margin. The Dy Commr is requested to submit a revised refund bill for this amount. ~~sanction of Govt~~.

5. As regards the acquisition of land in Sur Nos 145, 146 & 147 for the channel, Govt observe that Ramappa states that the channel would not be of much use to him. If, however, the channel is insisted upon, the land required therefor will have to be acquired.

Difference between the original and the revised assessment including cess. = 14-14-0

Amount to be refunded for 8 years. = 119-0-0

Amount due by Ramappa for 1894-95 on account of the lands excluding Rs 13-0-3 paid up. = 32-2-3

Net amount of refund to which Ramappa is entitled. = 86-13-9

Q
14-9-99

12/9/99 Secretary.

To.

The Dy Commr, Kadur Dt,
returning ver: papers with
the refund bill for Rs 376-2-0.

The Supdt of Rev: Survey
in Mysore.